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Rekha @ Anupama

Vs.

State of Punjab and others

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Present : Mr. K.S. Dadwal, Advocate for the petitioner.

...

Prayer in this petition is, for setting aside the remarks/order, whereby inquiry report submitted by respondent no.4, which was approved by respondent no.3 has been rejected by respondent no.2.

Counsel for the petitioner contends that after investigation, a report was submitted by the Deputy Superintendent of Police, Gurdaspur, against the accused. It was duly approved by the Superintendent of Police (D), Gurdaspur. However, the Senior Superintendent of Police, Gurdaspur, upon a perusal of the inquiry report, recorded the words 'seen/filed'. It is contended that the Senior Superintendent of Police, Gurdaspur, had no jurisdiction, to pass such an order and, thus, bring the investigation to a halt.

I have heard learned counsel for the petitioners and perused the paper book.

The contentions raised in the present petition are misconceived. Crl.Misc.No.40036-M of 2006, filed by the petitioner was disposed of, vide order dated 13.7.2006. The aforementioned order reads as follows :

“Prayer in this petition, filed under Section 482 of the Cr.P.C. is, for issuance of directions to hand over the investigation in FIR No.56 dated 19.5.2006, registered under Section 498-A of the Indian Penal Code at Police Station Dhariwal, Distt. Gurdaspur, to the crime branch. It is also prayed that the enquiry report dated 12.6.2006, be produced

before this Court.

I have heard learned counsel for the petitioner and perused the paper book.

The aforementioned FIR has been registered and investigation is still in progress. If upon conclusion of investigation, which is to be carried out after the registration of the FIR, the petitioner has any subsisting grievance, she would be at liberty to seek such other appropriate remedy, as may be available to her, in accordance with law.

Disposed of accordingly.”

The alleged remarks by the Senior Superintendent of Police, do not conclude the matter. Investigation would stand concluded only when a report is filed, under Section 173 Cr.P.C. As and when such report is filed, the petitioner would be at liberty, to avail her remedy in accordance with law. Consequently, the present petition is pre-mature and is disposed of as such.

7.11.2006
GS

(RAJIVE BHALLA)
JUDGE